

REMARKS

Claims 1 to 13 and 18 are the pending claims being examined in the application, of which Claims 1 and 12 are the independent claims. Reconsideration and further examination are respectfully requested.

Claims 1-11 are rejected under 35 U.S.C. § 103(a) over Janik (U.S. Patent Application Publication No. 2002/0013852) and Plastina (U.S. Patent Application Publication No. 2004/019658). The applicants respectfully submit that the claims are patentably distinct from the cited art, for at least the following reasons.

It is conceded in the Office Action that Janik fails to teach, suggest or disclose a first computing device receiving a request for at least some of the meta data information collected at the first computing device from a second computing device. It follows then that Janik cannot teach, suggest or disclose the first computing device, which receives the request for meta data from the second computing device, communicating the meta data requested by the second computing device to the second computing device, together with media file identifiers for each media file described by the requested meta data information, receiving a request to transfer a media file from the second computing device that includes the media file identifier communicated by the first computing device to the second computing device, and transmitting the requested media file to the second computing device. It is respectfully submitted that Plastina cannot remedy the deficiencies of Janik, since Plastina fails to teach, suggest or disclose at least the elements that are also not taught, suggested or disclosed by Janik.

Claim 1 is directed to a processor-readable medium embodying a set of instructions. These instructions, when read by a programmable processor of a first computing device, result in the processor performing a process including receiving, communicating and transmitting steps. In particular, claim 1 recites a step of receiving, by the first computing device, a request from a second computing device; this request comprises a request for at least some of the meta data information collected at the first computing device. Claim 1 also recites a step of communicating, by the first computing device to the second computing

device, the requested meta data information and an identifier for each media file described by the requested meta data information; the identifier uniquely identifies the media file.

Furthermore, Claim 1 recites a step of receiving, by the first computing device, from the second computing device a request to transfer a media file selected by the user at the second computing device; this request includes the identifier of the selected media file. By way of non-limiting example, for context, in an embodiment (specification, paragraph 44), a client (second computing device) requests meta data from an agent (first computing device). The meta data returned to the client includes an identifier, typically a universal resource identifier (URI). The agent then receives from the client a request for streaming of a particular media file, identified by the identifier.

Plastina describes the ability by a computer that already has a media file to use meta data from the media file to obtain additional meta data from a meta data source. Reference is respectfully made to Figure 1 of Plastina, wherein a computer 102, which has media content, e.g., media content stored on a compact disc 104 or media content 110 stored on a computer-readable medium at computer 102, requests and receives meta data from meta data provider 111. Reference is further made to Figure 2 of Plastina, which shows a process flow, in which meta data requested by computer 102 for the media content at computer 102 is received from the meta data provider, and is associated and stored with the media content at computer 102. Plastina further describes that computer 102 makes the request for the meta data using an identifier that computer 102 generates when the computer-readable medium with the media content is inserted into computer 102 (see paragraph 73 of Plastina). In contrast to Plastina's computer that describes a meta data provider that simply provides additional metadata to a computer that has media content and uses meta data from the media content that it already has to obtain additional meta data from the meta data provider, Claim 1 recites a first computing device receiving, from a second computing device, requests for both a media file and meta data for the media file, with the first computing device communicating the requested meta data and media file identifier(s) to the second computing device in response to the second computing device's request, and the first computing device receiving a request from the second computing device for the media file, which request includes the

media file identifier communicated by a first computing device to the second computing device in response to the request for meta data received by the first computing device from the second computing device. Plastina fails to teach, suggest or disclose at least these elements of Claim 1. As discussed above, Janik also fails to teach, suggest or disclose at least these same elements of Claim 1.

Since Janik does not disclose all of the features recited in Claim 1 and Plastina fails to disclose at least the same features not disclosed by Janik, Claim 1 is not rendered obvious by the references. Claim 1 is therefore believed to be patentable over the applied art. Claim 12 is believed to be patentable over the applied art for at least the same reasons.

The other claims in the application are each dependent from one or another of the independent claims discussed above and are believed to be patentable at least for the reasons discussed above with respect to Claims 1 and 12. Since each dependent claim is deemed to define an additional aspect of the invention as presently claimed, however, the consideration of each claim on its merits is respectfully requested.

In view of the foregoing, the entire application is believed to be in condition for allowance, and such action is respectfully requested at the Examiner's earliest convenience.

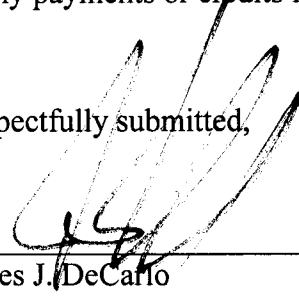
Should matters remain which the Examiner believes could be resolved in a telephone interview, the Examiner is requested to telephone the Applicant's undersigned attorney. Alternatively, since it is believed that the claims of the present application are in condition for allowance, the Examiner is respectfully requested to issue a Notice of Allowance at the Examiner's earliest convenience.

The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit any overpayment to Account No. 50-1561. Please ensure that the

Attorney Docket Number is referenced when charging any payments or credits for this case.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'J. DeCarlo', is written over a horizontal line.

James J. DeCarlo
Reg. No. 36,120

Date: March 3, 2009

Customer Number 76058
GREENBERG TRAURIG, LLP
Met Life Building
200 Park Avenue, 20th Floor
New York, New York 10166
Phone: (212) 801-9200
Fax: (212) 801-6400